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EXAMINER	
SHIVERS, ASHLEY L	
ART UNIT	PAPER NUMBER
2619	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/829,539	TAYLOR ET AL.	
	Examiner	Art Unit	
	ASHLEY L. SHIVERS	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 17, 2008 has been entered. Claims 1-11 and 13-26 have been amended. Claim 12 is not presented. No claims have been added. Claims 1-11 and 13-26 are still pending in this application, with claims 1, 15 and 26 being independent.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-3 and 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above noted claims indicate that the provisioning takes place during a predetermined time period, but also state that this same provisioning takes place prior to the start of the predetermined time period. For examining purposes, Examiner will interpret this to mean that provisioning takes place during a maintenance window that occurs at a predetermined time period.

Claim Objections

4. Claims 1-26 are objected to because of the following informalities:

--In claims 1, 15 and 26, the limitation –locating, at the logical element module, at least one network device and at least one programming port on at least one switch-- should be replaced with --locating, at the logical element module, the at least one network device and at least one programming port on at least one switch--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 15-19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman et al. (**U.S. Patent No. 7,146,000**), hereinafter referred to as Hollman in view of Sibbitt et al. (**U.S. Patent No. 5,065,392**), hereinafter referred to as Sibbitt.

Regarding claim 1, Hollman teaches a method for provisioning logical circuits for intermittent use in a data network, the method comprising:

receiving at least one customer order for routing data in the data network for a predetermined time period (**The order entry system works with a customer or salesperson through a remote computer to take an order for the customer. Based on information such as capacity and availability, the order entry system will conduct a dialog with the customer to design the private line circuit and provides real time feedback to the customer on availability and implementation installation dates; See col. 3 lines 58-67**); and

provisioning at least one logical circuit in the data network for routing the customer data during the predetermined time period (**The provisioning system provisions and assigns elements to the route. Once validated, the route is provided to the service management system along with configuration information; See col. 4, lines 12-18**), wherein provisioning the at least one logical circuit comprises:

receiving, from the at least one customer order, logical circuit parameter data at a logical element module (**The service request is sent to the find optimal route module and the module applies the request parameters to the capacity links; See col. 4, lines 39-43**) and

locating, at the logical element module, at least one network device and at least one switch (**The find optimal route module utilizes the capacity links indicated by the routing engine to find the possible connecting devices, which in this case can be switches; See col. 4, lines 40-43**).

Hollman fails to teach of the provisioning comprising adding the order to a first batch of circuits to be created at a predetermined time period, locating at least one programming port on at least one switch to create the circuit in the batch, adding the circuit to a deletion batch and disconnecting the circuit following the end of the predetermined time period.

Sibbitt teaches of:

adding the at least one customer request to a first batch of logical circuits to be created at the predetermined time (**The original request includes the connection time; See Fig. 10, 1006 and Fig. 12**);

utilizing the at least one network device (**the network controller of Sibbitt is equivalent to the order entry system of Hollman**) and the at least one programming port to create the at least one logical circuit in the first batch at the predetermined time (**The network controller makes connections through various nodes at the proper time to insure that the end user has the requested bandwidth capability between the selected end point locations, therefore it would have been obvious to make the programming port the connection at the user end; See col. 2, lines 58-61**);

adding the at least one logical circuit to a deletion batch (**The original request includes the disconnection time; See Fig. 10, 1007 and Fig. 12**); and

disconnecting the at least one logical circuit in the deletion batch at the end of the predetermined time period (**It would have been obvious to disconnect the circuit during the disconnection; See Fig. 10, 1007 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include adding the customer request to a first batch of circuits to be created during a predetermined time, utilizing at least one network device and one programming port to create the circuit, adding the circuit to a deletion batch and disconnecting the circuit at the end of the predetermined time period taught by Sibbitt in order to make sure the connection is available when needed and then to remove it in the end to preserve unused resources.

Regarding claim 2, Hollman fails to teach the method of claim 1, wherein provisioning the at least one logical circuit for routing customer data during the predetermined time period comprises provisioning the at least one logical circuit prior to the start of the predetermined time period.

Sibbitt teaches of provisioning comprising provisioning prior to the start of the predetermined time period (**At the schedule period of time, or slightly therebefore, the controller begins an assessment of the continued availability of the previously selected channels to insure that quality communications will be possible during the scheduled period; See col. 2, lines 54-57**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include provisioning the at least one logical circuit for routing customer data during the predetermined time period comprises provisioning the at least one logical circuit prior to the start of the predetermined time period taught by Sibbitt in order to make sure that the connection is available during the requested time.

Regarding claim 3, Hollman further fails to teach the method of claim 2, wherein provisioning the at least one logical circuit prior to the start of the predetermined time period comprises determining a maintenance window prior to the start of the predetermined time period and provisioning the circuit during the maintenance window.

Sibbitt teaches of:

> determining a maintenance window prior to the start of the predetermined time period (**The original request includes the connection time, which can be used as the maintenance window; See Fig. 10, 1006 and Fig. 12**); and
>
> provisioning the at least one logical circuit during the maintenance window (**It would have been obvious to one of ordinary skill to provision the circuit during the time requested; See Fig. 10, 1006 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include determining a maintenance window prior to the start of the predetermined time period and provisioning the circuit during the maintenance window taught by Sibbitt in order to make sure the connection is available during the requested time.

Regarding claim 4, Hollman fails to teach the method of claim 1, wherein disconnecting the at least one logical circuit at the end of the predetermined time period comprises disconnecting the at least one logical circuit following the end of the predetermined time period.

Sibbitt teaches of disconnecting the circuit following the predetermined time period (**The original request includes the disconnection time, therefore it would have been obvious to disconnect the circuit during the disconnection; See Fig. 10, 1007 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include disconnecting the circuit following the predetermined time period taught by Sibbitt in order to free up unused resources.

Regarding claim 5, Hollman fails to teach The method of claim 4, wherein disconnecting the at least one logical circuit following the end of the predetermined time period comprises determining a maintenance window following the end of the predetermined time period and disconnecting the circuit during the maintenance window.

Sibbitt teaches of:

determining a maintenance window following the end of the predetermined time period (**The original request includes the disconnection time, which can be used as the maintenance window; See Fig. 10, 1007 and Fig. 12**); and

disconnecting the at least one logical circuit during the maintenance window (**It would have been obvious to one of ordinary skill to disconnect the circuit during the time requested; See Fig. 10, 1007 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include disconnecting the circuit following the predetermined time period taught by Sibbitt in order to free up unused resources.

Regarding claim 6, Hollman further teaches the method of claim 1, further comprising generating trap data for each logical circuit during the predetermined time period, wherein the trap data comprises utilization statistics for the at least one logical circuit (**The routing engine determines the available capacity between the source and destination. Service type and bandwidth information dictate which specific routing policy rules to use. The routing process then builds a capacity graph including only the filtered set of capacity links between the source and destination. It would have been obvious that the capacity graph could include the utilization statistics for the circuit connection and would be obtained during the provisioning in the predetermined time period; See col. 1, lines 66-67 and col. 2 lines 1-3**).

Regarding claim 7, Hollman further teaches the method of claim 6, wherein the utilization statistics comprise the percent utilization of the at least one logical circuit during the predetermined time period (**It would have been obvious that the capacity graph could include the percent of the utilization for the circuit connection; See col. 1, lines 66-67 and col. 2 lines 1-3**).

Regarding claim 15, Hollman teaches a system for provisioning logical circuits for intermittent use in a data network, the system comprising:

at least one network device for establishing a communications path for at least one logical circuit in the data network (**The routing engine determines the optimal route to the customer; See col. 4, lines 1-3 and 39-43**);

a logical element module (**find optimal route module; See col. 4, lines 40-43**), in communication with the at least one network device (**The find optimal route module, which is in the routing engine; See col. 4, lines 40-43**), for receiving trap data generated by the at least one network device (**The routing engine determines capacity and availability; See col. 3, lines 60-61**), wherein the trap data comprises utilization statistics for the at least one logical circuit (**The routing engine determines the available capacity between the source and destination. Service type and bandwidth information dictate which specific routing policy rules to use. The routing process then builds a capacity graph including only the filtered set of capacity links between the source and destination. It would have been obvious that the capacity graph could include the utilization statistics for the circuit connection; See col. 1, lines 66-67 and col. 2 lines 1-3**); and

a network management module (**Order Entry and workflow management system; See Fig. 1, 102**), in communication with the logical element module (**The service request is passed to the find optimal route module; See col. 4, lines 39-40**), for:

receiving at least one customer order for routing data in the data network during a predetermined time period (**The order entry system works with a customer or salesperson through a remote computer to take an order for the customer. Based on information such as capacity and availability, the order entry system will conduct a dialog with the customer to design the private line circuit and provides real time feedback to the customer on availability and implementation installation dates; See col. 3 lines 58-67**); and

provisioning the at least one logical circuit for routing the customer data during the predetermined time period (**The provisioning system provisions and assigns elements to the route. Once validated, the route is provided to the service management system along with configuration information; See col. 4, lines 12-18**), wherein provisioning the at least one logical circuit comprises:

receiving, from the at least one customer order, logical circuit parameter data at a logical element module (**The service request is sent to the find optimal route module and the module applies the request parameters to the capacity links; See col. 4, lines 39-43**) and

locating, at the logical element module, at least one network device and at least one switch (**The find optimal route module utilizes the capacity links indicated by the routing engine to find the possible connecting devices, which in this case can be switches; See col. 4, lines 40-43**).

Hollman fails to teach of the provisioning comprising adding the order to a first batch of circuits to be created at a predetermined time period, locating at least one programming port on at least one switch to create the circuit in the batch, adding the circuit to a deletion batch and disconnecting the circuit following the end of the predetermined time period.

Sibbitt teaches of:

adding the at least one customer request to a first batch of logical circuits to be created at the predetermined time (**The original request includes the connection time; See Fig. 10, 1006 and Fig. 12**);

utilizing the at least one network device (**the network controller of Sibbitt is equivalent to the order entry system of Hollman**) and the at least one programming port to create the at least one logical circuit in the first batch at the predetermined time (**The network controller makes connections through various nodes at the proper time to insure that the end user has the requested bandwidth capability between the selected end point locations, therefore it would have been obvious to make the programming port the connection at the user end; See col. 2, lines 58-61**);

adding the at least one logical circuit to a deletion batch (**The original request includes the disconnection time; See Fig. 10, 1007 and Fig. 12**); and

disconnecting the at least one logical circuit in the deletion batch following the end of the predetermined time period (**It would have been obvious to disconnect the circuit during the disconnection; See Fig. 10, 1007 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include adding the customer request to a first batch of circuits to be created during a predetermined time, utilizing at least one network device and one programming port to create the circuit, adding the circuit to a deletion batch and disconnecting the circuit at the end of the predetermined time period taught by Sibbitt in order to make sure the connection is available when needed and then to remove it in the end to preserve unused resources.

Regarding claim 16, Hollman fails to teach the system of claim 15, wherein the network management module, in provisioning the at least one logical circuit for routing customer data during the predetermined time period, is operative to provision the at least one logical circuit prior to the start of the predetermined time period

Sibbitt teaches of provisioning prior to the start of the predetermined time period (**At the schedule period of time, or slightly therebefore, the controller begins an assessment of the continued availability of the previously selected channels to insure that quality communications will be possible during the scheduled period; See col. 2, lines 54-57**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include provisioning the at least one logical circuit for routing customer data during the predetermined time period comprises provisioning the at least one logical circuit prior to the start of the predetermined time period taught by Sibbitt in order to make sure that the connection is available during the requested time.

Regarding claim 17, Hollman further teaches the system of claim 16, wherein the network management module, in provisioning the at least one logical circuit prior to the start of the predetermined time period, is operative to:

determine a maintenance window prior to the start of the predetermined time period (**The original request includes the connection time, which can be used as the maintenance window; See Fig. 10, 1006 and Fig. 12**); and

provision the at least one logical circuit during the maintenance window (**It would have been obvious to one of ordinary skill to provision the circuit during the time requested; See Fig. 10, 1006 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include determining a maintenance window prior to the start of the predetermined time period and provisioning the circuit during the maintenance window taught by Sibbitt in order to make sure the connection is available during the requested time.

Regarding claim 18, Hollman fails to teach the system of claim 15, wherein the network management module, in disconnecting deleting the at least one logical circuit following the end of the predetermined time period, is operative to determine a maintenance window following the end of the predetermined time period and disconnect the at least one logical circuit during the maintenance window.

Sibbitt teaches of:

determining a maintenance window following the end of the predetermined time period (**The original request includes the disconnection time, which can be used as the maintenance window; See Fig. 10, 1007 and Fig. 12**); and

disconnecting the at least one logical circuit during the maintenance window (**It would have been obvious to one of ordinary skill to disconnect the circuit during the time requested; See Fig. 10, 1007 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include disconnecting the circuit following the predetermined time period taught by Sibbitt in order to free up unused resources.

Regarding claim 19, Hollman further teaches the system of claim 15, wherein the utilization statistics comprise the percent utilization of the at least one logical circuit during the predetermined time period (**It would have been obvious that the capacity graph could include the percent of the utilization for the circuit connection; See col. 1, lines 66-67 and col. 2 lines 1-3**).

Regarding claim 26, Hollman teaches a method for provisioning logical circuits for routing logical circuit data in a data network during a predetermined time period, the method comprising:

receiving at least one customer order for routing the logical data in the data network during the predetermined time period (**The order entry system works with a customer or salesperson through a remote computer to take an order for the customer. Based on information such as capacity and availability, the order entry system will conduct a dialog with the customer to design the private line circuit and provides real time feedback to the customer on availability and implementation installation dates; See col. 3 lines 58-67**); and

provisioning at least one logical circuit in the data network for routing the customer data during the predetermined time period, wherein provisioning comprises:

receiving, from the at least one customer order, logical circuit parameter data at a logical element module (**The service request is sent to the find optimal route module and the module applies the request parameters to the capacity links; See col. 4, lines 39-43**);

locating, at the logical element module, at least one network device and at least one switch (**The find optimal route module utilizes the capacity links indicated by the routing engine to find the possible connecting devices, which in this case can be switches; See col. 4, lines 40-43**) and

generating trap data for each logical circuit during the predetermined time period, wherein the trap data comprises utilization statistics for the at least one logical circuit (**The routing engine determines the available capacity between the source and destination. Service type and bandwidth information dictate which specific routing policy rules to use. The routing process then builds a capacity graph including only the filtered set of capacity links between the source and destination. It would have been obvious that the capacity graph could include the utilization statistics for the circuit connection and would be obtained during the provisioning in the predetermined time period; See col. 1, lines 66-67 and col. 2 lines 1-3**).

Hollman fails to teach of the provisioning comprising provisioning during the maintenance window, adding the order to a first batch of circuits to be created at a predetermined time period, locating at least one programming port on at least one switch to create the circuit in the batch, adding the circuit to a deletion batch and disconnecting the circuit following the end of the predetermined time period.

Sibbitt teaches of:

determining a maintenance window prior to the start of the predetermined time period (**The original request includes the connection time, which can be used as the maintenance window; See Fig. 10, 1006 and Fig. 12**); and

provisioning the at least one logical circuit during the maintenance window (**It would have been obvious to one of ordinary skill to provision the circuit during the time requested; See Fig. 10, 1006 and Fig. 12**), wherein provisioning the at least one logical circuit comprises:

adding the at least one customer request to a first batch of logical circuits to be created at the predetermined time (**The original request includes the connection time; See Fig. 10, 1006 and Fig. 12**);

utilizing the at least one network device (**the network controller of Sibbitt is equivalent to the order entry system of Hollman**) and the at least one programming port to create the at least one logical circuit in the first batch at the predetermined time (**The network controller makes connections through various nodes at the proper time to insure that the end user has the requested bandwidth capability between the selected end point locations, therefore it would have been obvious to make the programming port the connection at the user end; See col. 2, lines 58-61**);

adding the at least one logical circuit to a deletion batch (**The original request includes the disconnection time; See Fig. 10, 1007 and Fig. 12**);

determining a maintenance window following the end of the predetermined time period (**The original request includes the disconnection time, which can be used as the maintenance window; See Fig. 10, 1007 and Fig. 12**); and

disconnecting the at least one logical circuit in the deletion batch during the maintenance window (**It would have been obvious to disconnect the circuit during the disconnection; See Fig. 10, 1007 and Fig. 12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Hollman to include adding the customer request to a first batch of circuits to be created during a predetermined time, utilizing at least one network device and one programming port to create the circuit, adding the circuit to a deletion batch and disconnecting the circuit at the end of the predetermined time period taught by Sibbitt in order to make sure the connection is available when needed and then to remove it in the end to preserve unused resources.

7. Claims 8-11, 13-14 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman in view of Sibbitt in further view of Chiu et al. (**U.S. Patent No. 6,597,689**), hereinafter referred to as Chiu.

Regarding claims 8 and 20, Hollman in view of Sibbitt fails to teach the method/system of claims 1 and 15, respectively, wherein the customer order comprises a quality of service parameter for the logical circuit.

Chiu teaches of provisioning the quality of service requested (**Quality of service could be implemented to "fairly" prioritize the various data received; See col. 5, lines 7-10**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method/system of Hollman in view of Sibbitt to include quality of service parameters taught by Chiu in order to maintain an acceptable level of service for data transmission.

Regarding claims 9 and 21, Hollman in view of Sibbitt fails to teach the method/system of claims 8 and 20, wherein the quality of service parameter comprises at least one of an unspecified bit rate; a variable bit rate; and a committed bit rate.

Chiu teaches of various quality of service parameters (**The service class may include CBR, rt-VBR, nrt-VBR, ABR or UBR; See col. 5, lines 15-19**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method/system of Hollman in view of Sibbitt to include quality of service parameters taught by Chiu in order to maintain an acceptable level of service for data transmission.

Regarding claims 10-11 and 22-23, Hollman in view of Sibbitt fails to teach the method/system of claims 1 and 15, wherein the at least one logical circuit is a permanent virtual circuit or switched virtual circuit.

Chiu teaches of the circuit being a PVC (**Two types of virtual connections are PVCs and SVCs**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method/system of Hollman in view of Sibbitt to include the circuits being PVCs or SVCs taught by Chiu in order to reduce the amount of resources being used.

Regarding claims 13 and 24, Hollman in view of Sibbitt fails to teach the method/system of claims 1 and 15, wherein the data network is a frame relay network.

Chiu teaches of a frame relay network (**Typical applications include frame relay interworking; See col. 5 lines 38-39**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method/system of Hollman in view of Sibbitt to include the network being frame relay taught by Chiu in order to emphasize a type of network being used.

Regarding claims 14 and 25, Hollman in view of Sibbitt fails to teach the method/system of claims 1 and 15, wherein the data network is an asynchronous transfer mode (ATM) network.

Chiu teaches of an ATM network **(Currently, the telecommunications infrastructure comprises network node such as ATM switches, therefore the network would have to be ATM; See col. 1, lines 30-32).**

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method/system of Hollman in view of Sibbitt to include the network being an ATM network taught by Chiu in order to provide a particular type of network being used.

Response to Arguments

8. Applicant's arguments with respect to claims 1-11 and 13-26 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

10. Any response to this action should be **faxed** to (571) 273-8300 or **mailed** to:

Commissioner of Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

Hand delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHLEY L. SHIVERS whose telephone number is (571) 270-3523. The examiner can normally be reached on Monday-Thursday 8:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashley L Shivers/
Examiner, Art Unit 2619
8/15/2008

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2619